



**FOLEY  
HOAG**  
ATTORNEYS AT LAW

**RECEIVED**

15 JAN 2002

Legal Staff  
International Division**Fax**

Date: January 15, 2002

Fax #: (703) 308-6459

To: Brian Tung

Confirm#:

Client Matter#: 21379-701-

From: Chinh H. Pham

Sender's Number: 1234

User #: 3033

Total Pages Sent (Including Cover Sheet): [# of Pages]

Office: Boston

**Message**

Serial No. 09/744,148

Attorney Docket No. LLE-007.01

We attach the entire Petition in full due to the fact that Exhibits E, F and G were missing from the previous fax.

Kindly acknowledge receipt of the Petition by return fax.

Sincerely,

Marie Evans

JAN 15 AM 10:34

**IMPORTANT - PLEASE READ**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION PLEASE TELEPHONE THE SENDER.

The following was/were received in the U.S. Patent & Trademark Office Mail Room on the date stamped hereon: Renewed Petition Under 37 § 1.181; Statement of Facts with Exh. A (Notification of Missing Requirements); Exh. B (Transmittal Letter, executed Declaration and Power of Attorney, a copy of Notification of Missing Requirements, Request for One Month Ext. of Time, check for \$175. for the Request for Extension and Return Postcard); Exh. C (Stamped Return Postcard); Exh D (Notification of Abandonment Exh. E (Facsimile of Response to Missing Parts as originally filed with attachments); Exh. F (Copies of Notes of conversations with Ms. Williams); (Exh. G - Decision) and Statement Attesting to Mailing of P.T.O. Correspondence under 37 C.F.R. § 1.8(a) and this postcard.

Chinh H. Pham  
Reg. No. 39,329

Dated: December 18, 2001

App. Serial No. 09/744,148

Atty. Dkt: LLE-007.01

(21379-701)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elstein et al.

Atty Docket: LLE-007.01  
(21379-701)

Serial No.: 09/744,148

Art Unit: N/A

Date Filed: January 19, 2001

Examiner: Tung, B.

Based on PCT/IL99/00381 Filed: July 12, 1999

Date: December 18, 2001

Invention: SOLAR BLIND UV VIEWING APPARATUS  
AND CAMERA\*\*\*\*\*  
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on December 18, 2001.

William Homan  
\*\*\*\*\*

Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Renewed Petition Under 37 § 1.181

Dear Sir:

In response to the U.S. Patent and Trademark - PCT Division's decision dated December 5, 2001, in which the PCT Examiner Brian Tung denied Applicants' request that the executed Declaration for the above application be considered as timely filed in response to the Notification of Missing Requirements, dated February 26, 2001, Applicants submit the following:

- 1) A Statement of Facts regarding the filing of the executed Declaration;
- 2) Affidavit by Robert King attesting that the executed Declaration was mailed on the dated indicated in the Certificate of Mailing accompanying the Declaration;
- 3) Copies of the Response to the Notification of Missing Requirements, as filed, including a copy of the executed Declaration and a copy of the returned postcard, as filed, and as stamped by the DO/EO/US;

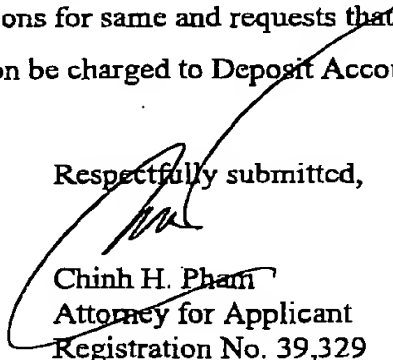
App. Serial No. 09/744,148  
Atty. Dkt: LLE-007.01  
(21379-701)

- 4) Copies of notes of conversation between Applicants' attorney and the DO/EO/US;  
and
- 5) Copies of the Notification of Missing Requirements, Notification of  
Abandonment, and Decision to Deny Response to Notification of Missing  
Requirements.

In view of the above submission, Applicants petition that the Commissioner accept the  
executed Declaration as being timely filed with the Response to the Notification of Missing  
Requirements.

Applicant does not believe that any fee or extension is needed in connection with  
response. However, should any extension or fee be required for timely consideration of the  
present response, Applicant hereby petitions for same and requests that the extension fee and any  
other fee required for timely consideration be charged to Deposit Account No. 06-1448.

Respectfully submitted,

  
Chinh H. Pham  
Attorney for Applicant  
Registration No. 39,329

Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, MA 02109  
T: (617) 832-1000  
F: (617) 832-7000

Customer ID No. 25181

App. Serial No. 09/744,148  
Atty. Dkt. LLE-007.01  
(21379-701)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Elstein et al.	Atty Docket:	LLE-007.01 (21379-701)
Serial No.:	09/744,148	Art Unit:	N/A
Date Filed:	January 19, 2001	Examiner:	Tung, B.
Based on PCT/IL99/00381 Filed:	July 12, 1999	Date:	December 18, 2001
Invention:	SOLAR BLIND UV VIEWING APPARATUS AND CAMERA		

\*\*\*\*\*  
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on December 18, 2001.

  
William Homan

\*\*\*\*\*

Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Statement of Facts

1. On July 12, 1999, Applicants filed international application PCT/IL99/00381, which claimed priority to an earlier Israeli application, filed July 20, 1998. A copy of the international application was communicated to the U.S. Patent and Trademark Office from the International Bureau on February 3, 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on February 11, 2000, prior to the expiration of nineteen (19) months from the priority date. The thirty (30) month period for paying the basic national fee in the United States expired at midnight on January 22, 2001 (January 20, 2001 was as Saturday).

2. On January 19, 2001, Applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. § 371(c)(1).

App. Serial No. 09/744,148  
Atty. Dkt. LLE-007.01  
(21379-701)

3. On February 26, 2001, the DO/EO/US mailed a Notification of Missing Requirements under 35 U.S.C. § 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 C.F.R. § 1.497 must be filed. A copy of this is provided as Exhibit A.

4. On April 26, 2001, Applicants filed a Response to the Notification of Missing Requirements. Included with the Response were (1) the Transmittal Letter, (2) the executed Declaration and Power Attorney, (3) a copy of Notification of Missing Requirements, (4) Request for One Month Extension of Time, (5) a check for \$175.00 for the Request for Extension, and (6) Return Postcard. Copies of the Response along with the indicated documents are provided herewith as Exhibit B.

5. A Certificate of Mailing was included on each of the Response, the Transmittal Letter, and the Request for Extension of Time and was executed by Robert King on April 26, 2001, the date on which the Response and the documents indicated in paragraph (4) were mailed.

6. On April 30, 2001, the Response to the Notification of Missing Requirements was received by the U.S. Patent and Trademark Office - PCT Division, and the Return Postcard was stamped with the April 30, 2001 date. A copy of the stamped Return Postcard is provided herewith as Exhibit C.

7. On September 19, 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements within the response period set therein. A copy of this is provided as Exhibit D.

8. On September 27, 2001 Applicants attorney contacted Deborah Williams and her supervisor Ms. Green of the PCT Division regarding the Notification of Abandonment. Ms. Williams telephoned Applicants attorney indicating that she would investigate the Notification of Abandonment and get back to Applicants attorney at the end of the day, September 27, 2001.

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Atty. Dkt. LLE-007.01  
(21379-701)

9. On October 1, 2001, after not hearing from Ms. Williams, Applicants' attorney contacted and left a message for Ms. Williams inquiring the status of her investigation into the Notification of Abandonment.

10. On October 2, 2001, Applicants' attorney discussed with Ms. Williams the status of the investigation. Ms. Williams indicated that her request for the file has not been responded to, and that she will request the file again and get back to Applicants' attorney.

11. On October 11, 2001, Ms. Williams telephoned Applicants' attorney indicating that the Response to the Notification of Missing Requirements, mailed on April 26, 2001, was never received by the DO/EO/US. Ms. Williams suggested that the Response along with all papers originally filed with the Response to the Notification of Missing Requirements be facsimile transmitted to her at (703) 305-3230.

12. On October 11, 2001, after talking with Ms. Williams, Applicants' attorney transmitted by facsimile the documents requested by Ms. Williams. Provided herewith as Exhibit E.

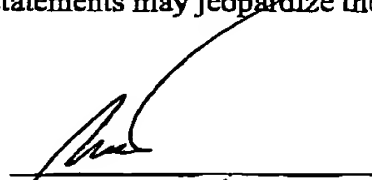
13. On October 15, 2001, Applicants' attorney contacted Ms. Williams to inquire whether Ms. Williams had received the facsimile transmitted documents. Ms. Williams indicated that she had received them. Copies of the notes memorializing the conversations, mentioned above, between Ms. Williams and Applicants' attorney are provided herewith as Exhibit F.

14. On December 5, 2001, a decision by the PCT Division was mailed in response to the documents filed by Applicants' attorney on October 11, 2001. The copies of the Response to Notification of Missing Requirements, along with the accompanying documents, were deemed a "Request" to accord the accompanying declaration an original filing date. The decision dismissed the Request. A copy of the decision is provided herewith as Exhibit G.

15. Applicants provide herewith a Renewed Petition Under 37 C.F.R. § 1.181.

The undersigned hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

  
\_\_\_\_\_  
Chinh H. Pham  
Reg. No. 39,329  
Attorney for Applicants



App. Serial No. 09/744,148  
Atty. Dkt: LLE-007.01  
(21379-701)


## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elstein et al.  
Serial No.: 09/744,148  
Date Filed: January 19, 2001  
Based on PCT/IL99/00381 Filed: July 12, 1999  
Invention: SOLAR BLIND UV VIEWING APPARATUS  
AND CAMERA

Atty Docket: LLE-007.01  
(21379-701)  
Art Unit: N/A  
Examiner: Tung, B.  
Date: December 18, 2001

\*\*\*\*\*  
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on December 18, 2001.

  
William Homan

\*\*\*\*\*  
Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

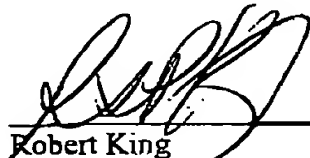
Statement Attesting to Mailing of P.T.O. Correspondence  
Under 37 C.F.R. § 1.8(a)

Dear Sir:

I, the undersigned, state that on April 26, 2001, I executed the Certificate of Mailing and mailed the original attached copy of the correspondence (Exhibit B) by first class mail, with sufficient postage, in an envelope addressed to the "Commissioner for Patents, Washington D.C. 20231".

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/18/01

  
Robert King

\_\_\_\_\_  
The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**RECEIVED**

***A copy of this notice MUST be returned with this response.***

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3144

MAR 02 2001

PATENT DEPT.  
DOCKETING

09/744,148



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

ew

U.S. APPLICATION NO

09/744,148

ELSTEIN

FIRST NAMED APPLICANT

S

ATTY REQUEST 807.0

FOLEY HOAG & ELIOT  
ONE POST OFFICE SQUARE  
BOSTON MA 02109-2170

5071

EXHIBIT

A

INTERNATIONAL APPLICATION NO

PCT/IL99/00081

F.A. FILING DATE

07/12/99

PRIORITY DATE

07/20/98

02/26/01

DATE MAILED

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☐ a non-English language.  
☒ English.

- ☐ Translation of the international application into English.  
☐ Oath or Declaration of inventor(s) for DO/EO/US.  
☐ Copy of Article 19 amendments.  
☐ Translation of Article 19 amendments into English.  
☐ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.  
☒ Preliminary amendment(s) filed 19 January 2001 and \_\_\_\_\_.  
☐ Information Disclosure Statement(s) filed ✓ and \_\_\_\_\_.  
☐ Assignment document.  
☐ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed \_\_\_\_\_.  
☐ Statement Claiming Small Entity Status.  
☒ Priority Document.  
☒ Copy of the International Search Report ☒ and copies of the references cited therein.  
☐ Other:

Missing Req'm'ts  
DUE: 3-26-01  
FINAL: 8-26-01

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

EXHIBIT

B

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/774,148

Filed: January 29, 2001

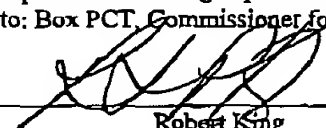
For: SOLAR BLIND UV VIEWING  
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007 01  
(21379-701)

## CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Box PCT, Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.

  
Robert King

## TRANSMITTAL LETTER

Box PCT  
Commissioner for Patents  
Washington, DC 20231

Sir:

Enclosed herewith are:

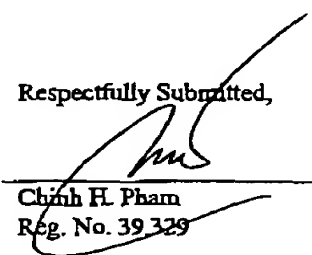
1. Response to Notification of Missing Requirements; 2. Check in the amount of \$175.00; 3. Declaration and Power of Attorney; 4. Copy of Notification of Missing Requirements Letter; and 5. Return Postcard.

Although we believe that we have submitted the correct amount to cover the above-listed items, the Commissioner is authorized to credit any overpayment or charge any deficiencies to our Deposit Account No. 06-1448.

Respectfully Submitted,

Date: April 26, 2001

Customer No: 25181  
Patent Group  
Foley, Hoag LLP  
One Post Office Square  
Boston, MA 02109-2170

  
Chinh H. Pham  
Reg. No. 39 329

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/744,148

Filed: January 29, 2001

For: SOLAR BLIND UV VIEWING  
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007.01  
(21379-701)

## CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.

  
Robert KingRESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Box PCT  
Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notification of Missing Requirements mailed 2/26/2001, Applicants enclose herewith a Combined Declaration and Power of Attorney for Patent Application for the above application. Also enclosed is a check in the amount \$175.00 of which \$110.00 is for one month extension fee and \$65.00 for late filing fee surcharge, and a copy of the Notification of Missing Requirements.

Although we believe that we have submitted the correct amount to cover the above-listed items, the Commissioner is authorized to credit any overpayment or charge any deficiencies to our Deposit Account No. 06-1448.

Respectfully Submitted,

Date: April 26, 2001

Customer No: 25181  
Patent Group  
Foley Hoag LLP  
One Post Office Square  
Boston, MA 02109-2170

  
Chinh H. Pham  
Reg. No. 39,329

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**RECEIVED**

***A copy of this notice MUST be returned with this response.***

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

*William N. Williams*  
Telephone: (703)-305-3744

MAR 02 2001

PATENT DEPT.  
DOCKETING

APR-24-2001 17:44 FROM: LUZZATTO F 125  
24 APR 2001 11:06 OFIL LTD.TO: 90-11 1327000  
635 P. 1/2

P:2

## DECLARATION FOR PATENT APPLICATION

Docket Number LLE-007.01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## SOLAR BLIND UV VIEWING APPARATUS AND CAMERA

The specification of which (check one)

☐ is attached hereto.☐ was filed on \_\_\_\_\_

as United States Application Number or PCT International Application Number PCT/IL99/00381

and was amended on Date \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

125417

(Number)

Israel

(Country)

20/07/1998

(Day/Month/Year Filed)

Priority Claimed

☐ Yes ☐ No☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States Provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56 which becomes available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Number)

(Filing Date)

(Status: patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status: patented, pending, abandoned)

I hereby appoint Barb E. Arnold, Reg. No. 35,430; Isabelle Claus, Reg. No. 47,326; Kirk A. Demmon, Reg. No. 42,461; Stephen B. Deusch, Reg. No. 46,661; William D. DeVaul, Reg. No. 42,483; Jason Gish, Reg. No. 42,581; Dana Gordon, Reg. No. 34,719; Robert A. Greenberg, Reg. No. 44,133; Jennifer K. Holmes, Reg. No. 46,778; David A. Lutz, Reg. No. 39,361; W. Hugo Lippmann, Reg. No. 20,407; Robert A. Mazzarini, Reg. No. 42,852; Jim Olson, Reg. No. 46,967; Kevin A. Oliver, Reg. No. 42,049; Chiah H. Pham, Reg. No. 39,339; Philip C. Swain, Reg. No. 32,376; Kingsley L. Tarr, Reg. No. 43,946; John Quisel, Reg. No. P-47,874; Anita Varma, Reg. No. 43,221; Sharon Webb, Reg. No. 47,172; and John L. Welch, Reg. No. 28,129 as attorneys/agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Ananyay at telephone number (617) 832-0.

Address all correspondence to:

Customer Id No: 25161

Patent Group

Foley, Hoag &amp; Eliot LLP

One Post Office Square

Boston, MA 02109-2170

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and this lie so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Shimon Elia

Inventor's signature:

Date:

Residence: 40 Habiba Street, Maccas Shikma 79411, Israel

Citizenship:

Post Office Address:

☐ Additional inventors are being named separately numbered sheets attached hereto.

09/744,148

Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO

FIRST NAMED APPLICANT

ATTY. REF. NO. 7.0

09/744,148

ELSTEIN

5071

FOLEY HOAG & ELIOT  
ONE POST OFFICE SQUARE  
BOSTON MA 02109-2170

INTERNATIONAL APPLICATION NO

PCT/IL99/00301

FILING DATE

PRIORITY DATE

07/12/99

07/20/98

02/26/01

DATE ISSUED

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.☒ Copy of the international application in:

- ☐ a non-English language.  
☒ English.

☐ Translation of the international application into English.☐ Oath or Declaration of Inventor(s) for DO/EO/US.☐ Copy of Article 19 amendments.☐ Translation of Article 19 amendments into English.☐ The International Preliminary Examination Report in English and its Annexes, if any.☐ Translation of Annexes to the International Preliminary Examination Report into English.☒ Preliminary amendment(s) filed 19 January 2001 and \_\_\_\_\_.☐ Information Disclosure Statement(s) filed ✓ and \_\_\_\_\_.☐ Assignment document.☐ Power of Attorney and/or Change of Address.☐ Substitute specification filed \_\_\_\_\_.☐ Statement Claiming Small Entity Status.☒ Priority Document.☒ Copy of the International Search Report ☒ and copies of the references cited therein.☐ Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Missing Reqmts

DUE: 3-26-01

FINAL: 8-26-01



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/744,148

Filed: January 29, 2001

For: SOLAR BLIND UV VIEWING  
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007.01  
(21379-701)

## CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.

  
Robert KingPETITION FOR A ONE-MONTH EXTENSION OF TIME

Sir:

Applicants hereby petition for a One-month extension of time, pursuant to 37 CFR 1.1.36(a) for filing a response to the mailed Notice to File Missing Parts in the above-identified application.

A check in the amount of \$110.00 for the extension fee is enclosed. The Commissioner is hereby authorized to charge any under-payments or credit any overpayments to our Deposit Account No. 06-1448.

Respectfully Submitted,

Customer No: 25181  
Patent Group  
Foley Hoag LLP  
One Post Office Square  
Boston, MA 02109-2170  
Tel. (617) 832-1000  
Fax. (617) 832-7000  
Date: April 26, 2001

By: 

Chinh H. Pham  
Reg. No. 39,329  
Agent/Attorney for Applicants

EXHIBIT

Postcard and Listed Documents is/are  
being deposited Under 37 CFR §1.8(a)

Docket No. LLE-007.01  
(21379-707)  
Appln. No. 09/774,148

Title: SOLAR BLIND UV VIEWING APPARATUS AND CAMERA

The following was/were received in the U.S. Patent & Trademark Office Mail Room  
on the date stamped hereon: Response to Notification of Missing Requirements; check in.

amount of \$110.00 for the surcharge; copy of Notification of Missing Requirements Letter

Pat. Exam for *Patent* *of* *Tram*

Transmittal Letter and this postcard

JC03 Rec'd OCT/PTO 30 APR 2001

Dated: April 26, 2001

Chinh H. Pham  
Reg. No. 39,329

*Request to Withdraw Aband.*  
**DOCKETED**

DUE: 11.19.01

09/744,148

ELSTEIN

EXHIBIT

FILED

D

007.01

FOLEY HOAG & ELIOT  
 ONE POST OFFICE SQUARE  
 BOSTON, MA 02109-2170



UNITED STATES DEPARTMENT OF COMMERCE  
 Patent and Trademark Office  
 Assistant Commissioner for Patents 9/00381  
 Box PCT  
 Washington, D.C. 20231

LEE-007

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

07/12/99

ATTY. DOCKET NO.

07/20/99

INTERNATIONAL APPLICATION NO.

09/19/01

09/744,148

ELSTEIN

S071

FOLEY HOAG & ELIOT  
 ONE POST OFFICE SQUARE  
 BOSTON, MA 02109-2170

LA. FILING DATE

PRIORITY DATE

11/19/01

DATE MAILED:

PCT/IL99/00381

## NOTIFICATION OF ABANDONMENT

07/12/99

07/20/99

09/19/01

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

1. ☐ Applicant's letter of express abandonment received \_\_\_\_\_ is in compliance with CFR 1.138 and is hereby acknowledged.
2. ☐ Applicant has failed to provide the full U.S. Basic National Fee by ☐ 20 months (37 CFR 1.494(b)(2)), ☐ 30 months (37 CFR 1.495(b)(2)).
3. ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed \_\_\_\_\_ within the time period set therein.
4. ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed \_\_\_\_\_ within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
5. ☐ Other.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

*William A. Williams*  
 Telephone: 703.305.3744

10/11/01 THU 16:19 FAX 617 7000

FOLEY HOAG &amp; ELIOT

001

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO  
CONNECTION TEL  
SUBADDRESS  
CONNECTION ID  
ST. TIME  
USAGE T  
PGS.  
RESULT

1894  
817033053230  
USPTO/PCT OPEP  
10/11 16:17  
02'19  
8  
OK

EXHIBIT

E



**FOLEY  
HOAG**  
ATTORNEYS AT LAW

Fax

Date: October 11, 2001

To: Deb Williams

Fax #: (703) 305-3230

Confirm#: (703) 305-3799 44

Client Matter#: 21379-701

From: Chinh H. Pham

Sender's Number: 1234

User #: 810

Total Pages Sent (Including Cover Sheet): 8

Office: Boston

**Message**

U.S. Patent No.: 09/744,148

Our Reference No.: LLE-007.01 (21379-701)

Dear Ms. Williams:

In accordance with our conversation this morning, enclosed are the documents which we submitted in connection with the Notification of Missing Requirements mailed February 26, 2001.

Please let me know if you need any additional information.

Sincerely,

  
Chinh H. Pham



**FOLEY  
HOAG**  
ATTORNEYS AT LAW

**Fax**

Date: October 11, 2001

To: Deb Williams

Fax #: (703) 305-3230

Confirm#: (703) 305-3799

Client Matter#: 21379-701

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**Message**

U.S. Patent No.: 09/744,148

Our Reference No.: LLE-007.01 (21379-701)

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Please let me know if you need any additional information.

Sincerely,

Chinh H. Pham

**IMPORTANT - PLEASE READ**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

**IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION PLEASE TELEPHONE THE SENDER**

Postcard and Listed Documents is/are  
being deposited Under 37 CFR §1.8(a)

Docket No. LLE-007.01  
(21379-701)  
Appln. No. 09/774,148

Title: SOLAR BLIND UV VIEWING APPARATUS AND CAMERA

The following was/were received in the U.S. Patent & Trademark Office Mail Room  
on the date stamped hereon: Response to Notification of Missing Requirements; check in  
amount of \$110.00 for the surcharge; copy of Notification of Missing Requirements Lette  
Pet. Gov for review by TOL  
Transmittal Letter and this postcard  
JC03 Rec'd TCT/PTO 30 APR 2001

Dated: April 26, 2001

Chinh H. Pham  
Reg. No. 39,329

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/744,148

Filed: January 29, 2001

For: SOLAR BLIND UV VIEWING  
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007.01  
(21379-701)

## CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.

  
Robert KingPETITION FOR A ONE-MONTH EXTENSION OF TIME

Sir:

Applicants hereby petition for a One-month extension of time, pursuant to 37 CFR 1.1.36(a) for filing a response to the mailed Notice to File Missing Parts in the above-identified application.

A check in the amount of \$110.00 for the extension fee is enclosed. The Commissioner is hereby authorized to charge any under-payments or credit any overpayments to our Deposit Account No. 06-1448.

Respectfully Submitted,

Customer No: 25181  
Patent Group  
Foley Hoag LLP  
One Post Office Square  
Boston, MA 02109-2170  
Tel. (617) 832-1000  
Fax. (617) 832-7000  
Date: April 26, 2001

By: 

Chinh H. Pham  
Reg. No. 39,329  
Agent/Attorney for Applicants



**FOLEY FOLEY, HOAG & ELIOT LLP**  
**HOAG**  
PATENT ACCOUNT  
1 POST OFFICE SQUARE  
BOSTON, MA 02109  
ATTORNEYS AT LAW

FLEET NATIONAL BANK  
BOSTON, MA 02115  
6-13/110

3

4/25/2001

PAY TO THE  
ORDER OF

Commissioner Of Patents And Trademarks

\$ 175.00

One Hundred Seventy-Five and 00/100 \*\*\*\*\* DOLLARS

MEMO. FOLEY, HOAG & ELIOT LLP / PATENT ACCOUNT

4/25/2001

Commissioner Of Patents And Trademarks  
21379-701(exp823)

3659

175.00

Patent Account

Filing Missing Parts and Surcharge

175.00



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/774,148

Filed: January 29, 2001

For: SOLAR BLIND UV VIEWING  
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007 01  
(21379-701)

## CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Box PCT, Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.

  
Robert King

## TRANSMITTAL LETTER

Box PCT  
Commissioner for Patents  
Washington, DC 20231

Sir:

Enclosed herewith are:

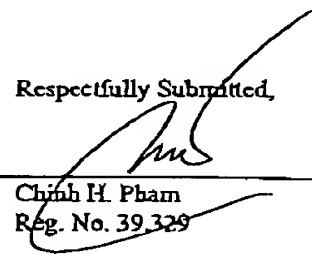
1. Response to Notification of Missing Requirements; 2. Check in the amount of \$175.00; 3. Declaration and Power of Attorney; 4. Copy of Notification of Missing Requirements Letter; and 5. Return Postcard *and Enr*

Although we believe that we have submitted the correct amount to cover the above-listed items, the Commissioner is authorized to credit any overpayment or charge any deficiencies to our Deposit Account No. 06-1448.

Respectfully Submitted,

Date: April 26, 2001

Customer No: 25181  
Patent Group  
Foley, Hoag LLP  
One Post Office Square  
Boston, MA 02109-2170

  
Chinh H. Pham  
Reg. No. 39,329

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/744,148

Filed: January 29, 2001

For: SOLAR BLIND UV VIEWING  
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007.01  
(21379-701)

## CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.

  
Robert KingRESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Box PCT  
Commissioner for Patents  
Washington, DC 20231

Sir:

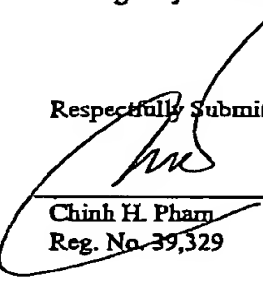
In response to the Notification of Missing Requirements mailed 2/26/2001, Applicants enclose herewith a Combined Declaration and Power of Attorney for Patent Application for the above application. Also enclosed is a check in the amount \$175.00 of which \$110.00 is for one month extension fee and \$65.00 for late filing fee surcharge, and a copy of the Notification of Missing Requirements.

Although we believe that we have submitted the correct amount to cover the above-listed items, the Commissioner is authorized to credit any overpayment or charge any deficiencies to our Deposit Account No. 06-1448.

Respectfully Submitted,

Date: April 26, 2001

Customer No: 25181  
Patent Group  
Foley Hoag LLP  
One Post Office Square  
Boston, MA 02109-2170

  
Chinh H. Pham  
Reg. No. 39,329

APR-24-2001 17:44 FROM:LUZZATTO 37125

24.APR.2001 11:05 OF: J.D.

TO: 8327000

P:2

P.1/2

## DECLARATION FOR PATENT APPLICATION

Docket Number 11E-007.01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## SOLAR BLIND UV VIEWING APPARATUS AND CAMERA

the specification of which (check one)

☐ is attached hereto.☐ was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number PCT/IL89/00381 and was amended on Page \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

125417

(Number)

Israel

(Country)

20/07/1993

(Day/Month/Year Filed)

Priority Claimed

☐ Yes ☐ No☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States Provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Number)

(Filing Date)

(Status: patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status: patented, pending, abandoned)

I hereby appoint Barb E. Arnold, Reg. No. 35,430; Isabelle Claus, Reg. No. 47,326; Kirk A. Dammann, Reg. No. 42,461; Stephen B. Demuth, Reg. No. 46,663; William D. DeVital, Reg. No. 42,483; Jason Gish, Reg. No. 42,581; Dana Gordon, Reg. No. 44,719; Robert A. Greenberg, Reg. No. 44,133; Jennifer K. Holman, Reg. No. 46,778; David A. Lusk, Reg. No. 39,261; W. Hugo Lloqueman, Reg. No. 30,407; Robert A. Mazzurco, Reg. No. 42,852; Jim Olsen, Reg. No. 44,967; Karin A. Oliver, Reg. No. 42,049; Chiah E. Pham, Reg. No. 39,329; Philip C. Swain, Reg. No. 32,376; Kingsley L. Taff, Reg. No. 43,946; John Quisiel, Reg. No. P-47,874; Anita Varma, Reg. No. 43,211; Sharon Webb, Reg. No. 47,172; and John L. Welch, Reg. No. 28,129 as attorneys/agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Attorney at telephone number (617) 332-1100.

Address all correspondence to:

Customer Id No: 15161

Patent Group

Foley, Hoag &amp; Elliot LLP

One Post Office Square

Boston, MA 02109-3170

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name and birthplace)

Inventor's signature: Lucia E. LuzzattoDate: April 16, 2001Residence: 40 Hehaim Street, Maccabim Shikma 79411, IsraelCitizenship: US, Israel

Post Office Address:

☐ Additional inventors are being named separately numbered sheets attached hereto.

APR-24-2001 17:44 FROM: LIZZATTO 7125  
24 APR 2001 11:06 OFIL C.D.

TO: 8327000 P:3  
0.835 P.2/2

Full name of second joint inventor (given name, family name): Melika Lindner

Inventor's signature: Melika Lindner  
Residence: 11 Hingman Street Rehovot 76217, Israel  
Post Office Address: \_\_\_\_\_

Date: April 24, 2001  
Citizenship: Israel

Full name of third joint inventor (given name, family name): Elisha Lindner

Inventor's signature: Elisha Lindner  
Residence: 11 Hingman Street Rehovot 76217, Israel  
Post Office Address: \_\_\_\_\_

Date: April 24, 2001  
Citizenship: Israel

Full name of fourth joint inventor (given name, family name): \_\_\_\_\_

Inventor's signature: \_\_\_\_\_  
Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_  
Citizenship: \_\_\_\_\_

Full name of fifth joint inventor (given name, family name): \_\_\_\_\_

Inventor's signature: \_\_\_\_\_  
Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_  
Citizenship: \_\_\_\_\_

FOLEY, HOAG &amp; ELIOT LLP

EXHIBIT

F

## MEETING/PHONE CONFERENCE MEMO

Date: 9/27/01 Time: \_\_\_\_\_

Client: 26379

Meeting with: \_\_\_\_\_

Matter: 701

To: Deborah Williams

Phone Conference

From: D

Phone Number: (703) 305 3744

Attorney: CJP

COMMENTS: Contact Deborah Williams + her supervisor Ms. Green  
regarding Notice of Abandonment for failure to respond to  
Notice of Missing Requirements (Feb., 2001)

CA/744, 148

Message to both that we filed the response in April 2001  
and requested that each call us back.

703 305-3230 Fax

She called us back and said beyond of day

10/1/01 Message for Williams regarding status

FOLEY, HOAG &amp; ELIOT LLP

## MEETING/PHONE CONFERENCE MEMO

Date: 10/2/01 Time: \_\_\_\_\_Client: 21371

Meeting with: \_\_\_\_\_

Matter: 701To: Ms. Williams

Phone Conference

From: \_\_\_\_\_

Phone Number: (781) 305-3744Attorney: CJP

COMMENTS: \_\_\_\_\_

Discussed w/ Ms. Williams status of app.  
She indicated that her request for the filed has not been responded to.

she will request file again and let us know 6/11/01 9-5 tomorrow  
the status of app.

FOLEY, HOAG &amp; ELIOT LLP

## MEETING/PHONE CONFERENCE MEMO

Date: 10/11/01 Time: \_\_\_\_\_Client: 21379

Meeting with: \_\_\_\_\_

Matter: 701

To: \_\_\_\_\_

Phone Conference

From: Deb. WilliamsPhone Number: (703) 305-3744

Attorney: \_\_\_\_\_

COMMENTS: As Fax in papers regarding response to Notice to File AIP  
+ (703) 305-3730  
Send to Acting Deborah Williams (by 7:00pm)

FOLEY, HOAG &amp; ELIOT LLP

## MEETING/PHONE CONFERENCE MEMO

Date: 10/15/01 Time: \_\_\_\_\_Client: 21379-701

Meeting with: \_\_\_\_\_

Matter: \_\_\_\_\_

To: Deborah Williams  
Phone Conference

From: \_\_\_\_\_

Phone Number: (781) 315-8744Attorney: CJP

COMMENTS: ~~As~~ Ms Williams received our copies of the response which we faxed to her on Friday Oct. 17, 2001. She will send the document to the appropriate people. She does not think that we will need to file a Petition to Withdraw Amendment, but advised us to wait to hear from the PTJ.

10-17-01

\* Evidence that paper was filed on that date  
\* First hand knowledge  
\* Standard for filing & that procedure  
\* Went to Examiner Tracy





DEC 05 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

LL-001

 Commissioner for Patents  
 United States Patent and Trademark Office  
 Washington, D.C.  
 www.uspto.gov

EXHIBIT

G

 Patent Group  
 Foley, Hoag & Eliot LLP  
 One Post Office Square  
 Boston, MA 02109-2170

 Request for Reconsideration  
**DOCKETED**  
**DUE: 2-5-02**

 In re Application of ELSTEIN et al  
 U.S. Application No.: 09/744,148  
 Int. Application No.: PCT/IL99/00381  
 Int. Filing Date: 12 July 1999  
 Priority Date: 20 July 1998  
 Attorney Docket No.: LLP-007.01 (21379-701)  
 For: SOLAR BLIND UV VIEWING APPARATUS  
 AND CAMERA

DECISION

This is in response to applicants' letter filed 11 October 2001, which is being treated as a request to accord the accompanying declaration an original filing date of 30 April 2001.

### BACKGROUND

On 12 July 1999, applicants filed international application PCT/IL99/00381, which claimed priority of an earlier Israel application filed 20 July 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 03 February 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 11 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 January 2001 (20 January 2001 was a Saturday).

On 19 January 2001, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 February 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 19 September 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United States.

DEC 11 2001

 hwp T.  
 G.

Application No.: 09/744,148

-2-

States for failure to timely respond to the Notification of Missing Requirements within the response period set therein.

On 11 October 2001, applicants filed the present petition. The petition states that it is accompanied by a copy of a response to the Notification of Missing Requirements purportedly filed on 30 April 2001 and a copy of a return postcard receipt.

### DISCUSSION

MPEP 503 states in relevant part,

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. . . . Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

In the present case, the copy of the return postcard receipt filed with the present request does not list a declaration in its itemized contents. The listing of a "Response to Notification of Missing Requirements" is insufficient. As set forth above, incorporation by reference in a postcard receipt does not serve as *prima facie* evidence or receipt of those items.

It is further noted that the declaration filed 11 October 2001 is improper because it is illegible.

### CONCLUSION

For the reasons above, the petition is DISMISSED without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.

  
Bryan Tung

PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614  
Facsimile: 703-308-6459